

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT GRAYER AND BRIAN)	CASE NO.: 1:16-cv-01382
MORTON, on behalf of themselves and)	
all others similarly situated,)	JUDGE CHRISTOPHER BOYKO
)	
Plaintiffs,)	
)	
vs.)	
KENNAMETAL INC.)	<u>FINAL ORDER AND JUDGMENT</u>
)	<u>ENTRY</u>
Defendant.)	

Plaintiffs Robert Grayer and Brian Morton (“Class Representatives”) and Defendant Kennametal Inc. (“Defendant”) have moved the Court to approve, as fair and reasonable, a Class Action Settlement and Release Agreement (“Settlement and Release Agreement”) between Plaintiffs and Defendant pursuant to Fed. R. Civ. P. 23(e) and pursuant to § 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b).

Having reviewed the Settlement and Release Agreement, as well as the Parties’ Motion for Approval of Class Action Settlement Agreement (“Motion for Approval”), the Declaration of Chastity L. Christy appended thereto, and the pleadings and papers on file in this Action, and for good cause established therein, the Court enters this Final Order and Judgment Entry (“Final Order”) and hereby ORDERS, ADJUDGES AND DECREES as follows:

1. Unless otherwise defined, all terms used in this Final Order have the same meanings as defined in the Settlement and Release Agreement.
2. On November 27, 2019, the Court entered an Order granting preliminary approval of the Settlement and Release Agreement pursuant to Rule 23(e), and approving the form,

content, and method of distribution of notices to class members of the proposed settlement, and the date of the Fairness Hearing (“Class Notice”). The Court provisionally approved Service Award payments to Class Representatives and the payment of attorneys’ fees and costs to Class Counsel.

3. Class Counsel has filed with the Court a Declaration verifying that the Class Notice was distributed to the Class Members in the form and manner approved by the Court.

4. No written objection from any Class Member has been received.

5. The Fairness Hearing was convened as noticed on January 24, 2020 at 2:00.

6. No Class Member appeared to contest the Class settlement.

7. The Court finds that the Class Members were given adequate notice of the proposed settlement and the date of the Fairness Hearing as ordered by the Court. The Court further finds that the notice was reasonable and the best notice practicable, and satisfied all of the requirements of Civ. R. 23 and due process.

8. As to Class Representatives and all Class Members, the Court finds that the proposed settlement satisfies the standard for final approval of a class action settlement under Fed. R. Civ. P. 23(e). The proposed settlement class satisfies Rule 23(a)’s requirements of commonality, numerosity, typicality, and adequacy of representation, as well as Rule 23(b)’s requirements of predominance and superiority. Class Representatives Robert Grayer and Brian Morton are adequate representatives in that they are members of the class and possess the same interests and suffered the same injuries as the class’s other members. The definition of the Class encompasses persons with like factual circumstances and like claims. The settlement payments made available to the Class Members are commensurate with their alleged claims. The Court

finds that the proposed settlement is fair, reasonable, and adequate as to the Class, and qualifies for final approval under Rule 23(e).

9. The Court provides final approval of all terms and conditions of the Settlement and Release Agreement and orders that it be implemented according to its terms and conditions and as directed herein.

10. The Court approves the method of calculation and proposed distribution of settlement payments, and all such payments are to be distributed in the manner, and upon the terms and conditions, set forth in the Settlement and Release Agreement.

11. The Court approves the Service Awards to be paid to the Class Representatives in recognition their substantial services in this Action, and orders that such payments be made in the manner, and upon the terms and conditions, set forth in the Settlement and Release Agreement.

12. The Court approves the payment of attorneys' fees as provided in the Settlement and Release Agreement and the reimbursement of expenses to Class Counsel and orders that such payments be made in the manner, and upon the terms and conditions, set forth in the Settlement and Release Agreement.

13. All Class Members hereby release claims against Defendant as provided in the Settlement and Release Agreement.

14. This constitutes the Court's final order and the Court DISMISSES THIS ACTION WITH PREJUDICE.

15. The Parties are to bear their respective attorneys' fees and costs except as provided in the Settlement and Release Agreement.

16. The Court retains jurisdiction over this Action for the purpose of enforcing the Settlement and Release Agreement.

17. There being no just reason to delay entry of this Final Order, the Court orders the Clerk of the Court to enter this Final Order immediately.

SO ORDERED:

Date: 1/27/2020

s/Christopher A. Boyko
Honorable Christopher A. Boyko
Senior United States District Judge